

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

CHARLES EARL BAKER, #368030	§	
VS.	§	CIVIL ACTION NO. 6:06cv61
GRACELIA RAMOS, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Charles Earl Baker, a prisoner confined in the Texas prison system, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the case should be dismissed without prejudice for failure to obey an order and failure to prosecute because the Plaintiff had not paid the initial partial filing fee of \$.94. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the Plaintiff are without merit. It is noted that the Plaintiff asserted in his objections that he was unaware of the Order to pay an initial partial filing fee because he had been transferred to a new unit. The Plaintiff was thus given an extension of time to pay the initial partial filing fee. As of today, however, he still has not paid the initial partial filing fee nor otherwise been in contact with

the Court. He has failed to obey an order and has failed to prosecute this case. Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the cause of action is **DISMISSED** without prejudice for failure to obey an order of the Court and for failure to prosecute. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. All motions by either party not previously ruled on are hereby denied.

So ORDERED and SIGNED this 1st day of May, 2006.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE